

ARTICLE APPEARED
ON PAGE 33

NEW YORK TIMES

8 January 1978

C.I.A. Mail Abuse

In an apparent landmark decision in August 1977, Judge Jack B. Weinstein ruled in Federal District Court in Brooklyn that the Central Intelligence Agency had engaged in an "abuse of power" by opening and reading the mail of thousands of Americans from 1953 to 1973. He ordered the Government to pay three plaintiffs \$1,000 apiece in damages and to apologize to them in writing for opening one piece of mail sent to each.

Judge Weinstein said that the C.I.A. had opened "at least 215,000 pieces of mail" during its undercover operation. This left the Government with a potential liability of \$215 million if every victim sued.

The three original plaintiffs—Norman Birnbaum, an Amherst College sociologist; Leonard Avery, a Minneapolis advertising executive, and Mary R. MacMillen, a placement coordinator at Northeastern University—have yet to collect a cent. And Melvin L. Wulf of Manhattan, attorney for Mr. Avery and Miss MacMillen, calls the letter of apology sent out by the C.I.A. "mealy-mouthed—they just won't concede that what they did was wrong."

In Washington, Assistant Attorney General Barbara A. Babcock says that the hangup is over the Government's potential liability, which she places at "even greater than" \$215 million. She declines to name a figure, but says it "involves giving away the store."

The Assistant Attorney General and Mr. Wulf have been trying to negotiate a settlement that would cover all future plaintiffs, but neither side is optimistic. The Government is undecided whether to appeal Judge Weinstein's ruling.

Meanwhile, another C.I.A. mail-opening case is scheduled to go before Judge Weinstein on Feb. 8.

STAT